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§18–336.

(a) (1) In this section the following words have the meanings indicated.

(2) "Health care facility" has the same meaning stated in § 18–338.2 of this subtitle.

(3) "Health care provider" means a physician, nurse, or designee of a health care facility.

(4) "HIV" means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(b) (1) Except as provided in Title 11, Subtitle 1, Part II of the Criminal Procedure Article or § 18–338.3 of this subtitle, before obtaining a fluid or tissue sample from the body of an individual for the purpose of testing the fluid or tissue for the presence of HIV infection, a health care provider shall:

(i) Inform the individual verbally or in writing that HIV testing will be performed on a specimen obtained from the individual unless the individual refuses HIV testing;

(ii) Provide the individual verbal or written information or show a video that includes an explanation of HIV infection and the meaning of positive and negative test results;

(iii) Offer the individual an opportunity to ask questions and decline HIV testing; and

(iv) If the individual refuses HIV testing, document in the medical record the individual's decision.

(2) (i) Consent for HIV testing shall be included in a patient's general informed consent for medical care in the same category as other screening and diagnostic tests.

(ii) Except as otherwise provided in this section, a health care provider may not be required to obtain consent for HIV testing using a separate consent form.

(3) A health care provider shall make available to individuals for whom HIV testing is performed easily understood informational materials in the languages of the commonly encountered populations of the health care provider.

(c) (1) If the HIV test is ordered at a location that is not a health care facility, informed consent shall be in writing and signed by the individual on an informed consent for HIV testing document that is approved by the Department.

(2) The informed consent for HIV testing document shall be distinct and separate from all other consent forms.

(3) A patient identifying number obtained from an anonymous and confidential test site which is approved by the Department may be evidence of a patient's informed consent in lieu of a patient's signature.

(d) An individual's refusal to undergo an HIV test or a positive test result may not be used as the sole basis by an institution or laboratory to deny services or treatment.

(e) If the individual is unable to give informed consent, substitute consent may be given under § 5–605 of this article.

(f) A health care provider who obtains a result from an HIV test conducted in accordance with the provisions of subsection (b) of this section shall:

(1) Notify the individual from whom the fluid or tissue sample was obtained of the result; and

(2) If the test is positive:

(i) Provide a referral for treatment and supportive services;

(ii) Counsel the individual to inform all sexual and needle–sharing partners of the individual's positive HIV status;

(iii) Offer to assist in notifying the individual's sexual and needle–sharing partners or refer the individual to the local health officer to assist the individual with notifying the individual's sexual and needle–sharing partners; and

(iv) If necessary, take action appropriate to comply with § 18–337 of this subtitle.

(g) Local health officers shall make available to health care providers in their jurisdiction information on referral resources for an individual with an HIV

positive status, including counseling, testing, needs assessment, treatment, and support services.

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